

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 15-130 CW

WEIPING CHEN,

Plaintiff,

ORDER FOR BRIEFING

v.

MIDLAND INNOVATIONS NV, WEN WANG,
and HONGDI REN,

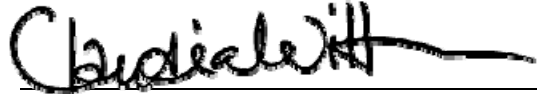
Defendants.

On March 20, 2015, this Court issued an order denying Plaintiff Weiping Chen's motion to remand. (Docket No. 32). The Court reasoned that Chen, a California resident, could not name Hongdi Ren, also a California resident, as a defendant in her suit because Chen did not claim a property interest adverse to Ren; thus, the Court retained diversity jurisdiction to hear the case. Subsequent to entry of that order, Ren filed an "Answer" to Chen's complaint, in which Ren specifically requested that her interest in the property be adjudicated. (Docket No. 36). Pursuant to California Code of Civil Procedure section 762.050, any person claiming an interest in property described in a quiet title complaint may appear in the proceeding and, if appearing, must appear as a defendant. Thus, even though Chen could not name Ren as a defendant, it is arguable that by operation of the above-cited code section, Ren may voluntarily choose to participate in the action as a defendant. The Court thus orders briefing from the parties on the following two questions: (1) is Ren's "Answer" sufficient to constitute an appearance under California Code of

1 Civil Procedure section 762.050, and (2) does the Court have
2 jurisdiction to hear the case or must it now be remanded? Midland
3 shall file a brief on those questions within fourteen days of the
4 date of this order. The other parties may respond fourteen days
5 later and Midland may reply seven days after that.

6 IT IS SO ORDERED.

7
8 Dated: 05/20/2015



CLAUDIA WILKEN
United States District Judge